

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**MICHAEL WISNEFSKI,**

Plaintiff,

v.

**MICKEY GROUP INC. and ALEX  
RABENS,**

Defendants.

Case No. 23-cv-04984

Hon. Judge Sara L. Ellis

**JOINT INITIAL STATUS REPORT**

1. Nature of the Case:

- A. Identify (names and contact information) for all attorneys of record for each party, including the lead trial attorney.

Plaintiff is represented by:

John D. Galarnyk, Esq.  
Andrew J. Cunniff, Esq. (lead trial attorney)  
John A. Romanucci, Esq.  
Galarnyk & Associates, LTD.  
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Defendants are represented by:

Benjamin S. Morell, Esq. (lead trial attorney)  
Taft Stettinius & Hollister LLP  
111 E. Wacker Drive, Suite 2600  
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- B. Plaintiff, the former president of Defendant Mickey Group, brings claims for alleged unpaid, contractual severance and wages under the Illinois Wage Payment

& Collection Act (820 ILCS 115/1 *et seq.*, hereinafter, the “IWPCA” or the “Act”) and Illinois common law. Plaintiff also seeks liability against Mickey Group’s CEO, Defendant Alex Rabens, under Section 13 of the IWPCA, which provides individual liability against corporate officers who “knowingly permit” an employer to violate its wage payment obligations under the Act.

C. Major legal issues: None known at this time.

Major factual issues: Factual issues include whether Plaintiff is owed severance pay under the terms of his offer letter, which provides for three months of severance if Plaintiff is terminated “without cause” and whether Defendant Rabens “knowingly permit[ted]” the company to withhold Plaintiff’s wages.

D. Plaintiff seeks judgment against Defendants in the amount of his unpaid wages, including severance pay, statutory penalties of 5% per month from the date such wages were due, attorneys’ fees and costs. Defendants deny that Plaintiff is entitled to such relief.

2. Jurisdiction: Diversity. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Illinois, Defendant Rabens is a citizen of New York, and Defendant Mickey Group is a citizen of Delaware, where it is incorporated, and New York, where its principal place of business is located. Plaintiff seeks in excess of \$75,000 in unpaid wages, penalties, and fees. The Parties do not dispute the amount in controversy.

3. Status of Service: Defendants have waived service, answered, and appeared.

4. Consent to proceed before a United States Magistrate Judge: Counsel for the parties have advised their client that they may proceed before a United States Magistrate Judge if they consent unanimously. The Parties do not consent to proceed before the assigned Magistrate Judge.

5. Motions:

A. There are no pending motions at this time.

B. Defendants responded to Plaintiff’s amended complaint on October 6, 2023, by filing an answer.

6. Case Plan:

A. Submit a proposal for a discovery plan, including the following information:

- 1) Discovery is anticipated to include documents, information, and testimony regarding Michael’s employment and termination.
- 2) October 31, 2023: Rule 26(a)(1) disclosures;
- 3) November 15, 2023: First date by which to issue written discovery;
- 4) March 15, 2024: Fact discovery completion date;

- 5) No expert discovery is anticipated at this time;
- 6) April 15, 2024: Date for the filing of dispositive motions.

B. With respect to trial, indicate the following:

- 1) Plaintiff has requested a jury trial.
- 2) The Parties estimate that a trial would last two to three days.

7. Status of Settlement Discussions:

- A. No meaningful settlement discussions have occurred to date.
- B. No settlement discussions are ongoing at present.
- C. The parties do not request a settlement conference with the Magistrate Judge at this time.

Respectfully Submitted by

*/s/ Benjamin S. Morrell*

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Respectfully Submitted by

*/s/ Andrew J. Cunniff, Esq.*

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Dated: October 11, 2023

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on October 11, 2023, he caused a true and correct copy of the foregoing ***Joint Initial Status Report*** to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the below counsel of record.

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/s/ Andrew J. Cunniff